

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

COMET TECHNOLOGIES UNITED  
STATES OF AMERICA INC.,

Plaintiff,

v.

DOUGLAS BEUERMAN,

Defendant.

Case No. 18-CV-01441-LHK

**ORDER DENYING EX PARTE  
MOTION FOR TEMPORARY  
RESTRAINING ORDER**

Federal Rule of Civil Procedure 65(b) provides that a court may issue a temporary restraining order (“TRO”) without notice to the adverse party in limited circumstances where “*specific facts in an affidavit or a verified complaint* clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition.” Fed. R. Civ. P. 65(b)(1)(A) (emphasis added). The movant must also certify in writing any efforts made to give notice and the reasons why it should not be required. Fed R. Civ. P. 65(b)(1)(B).

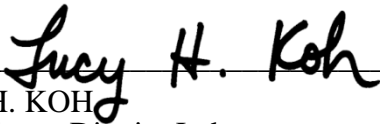
Civil Local Rule 65-1(b) further requires that “[u]nless relieved by order of a Judge for good cause shown, on or before the day of an ex parte motion for a temporary restraining order, counsel applying for the temporary restraining order must deliver notice of such motion to

opposing counsel or party.”

Plaintiff has not provided specific facts in an affidavit or a verified complaint that show why irreparable harm will result to Plaintiff if the Court does not issue a temporary restraining order before Defendant can be heard in opposition. Nor has Plaintiff certified in writing efforts made to give notice and the reasons why it should not be required. In addition, Plaintiff failed to serve the instant ex parte motion for temporary restraining order on or before the day it was filed. *See* ECF No. 13. The Court therefore DENIES Plaintiff’s ex parte motion for a temporary restraining order.

**IT IS SO ORDERED.**

Dated: March 9, 2018

  
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LUCY H. KOH  
United States District Judge

United States District Court  
Northern District of California